

FEB 13 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE HAWAII ACCESS TO JUSTICE COMMISSION TO ASSEMBLE
VARIOUS STATE AND COMMUNITY ENTITIES TO DETERMINE WHICH
AGENCY OR ORGANIZATION SHOULD ADMINISTER FUNDING FOR CIVIL
LEGAL SERVICES TO LOW- AND MODERATE-INCOME INDIVIDUALS.

1 WHEREAS, civil legal services can improve community well-
2 being as a vital part of our social safety net which ensures
3 that our keiki, kupuna, family care givers, and all members of a
4 family are healthy and safe; and

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6 WHEREAS, "The 2007 Assessment of Civil Legal Needs and
7 Barriers of Low- and Moderate-Income People in Hawaii" found
8 that only one in five people have their civil legal needs
9 addressed and that only one in three people who contact a civil
10 legal service provider is able to get assistance; and

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12 WHEREAS, one of the goals set forth in "The Community Wide
13 Action Plan: Ten Action Steps to Increase Access to Justice in
14 Hawaii by 2010" was that an appropriate home for funding civil
15 legal services should be established to ensure stable state
16 funding; and

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18 WHEREAS, access to civil legal services by the indigent is
19 critical to providing access to justice for those who cannot
20 afford an attorney; and

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22 WHEREAS, access to civil legal services results in cost
23 savings to the State by way of recovery of federal public
24 benefits such as Social Security and Veterans Administration
25 benefits, reduction in use of safety net services such as foster
26 care by establishing guardianships for family caregivers,
27 reduction of dependency on public assistance by securing child
28 support and alimony, a decrease of instances of homelessness
29 through housing representation, and an increase in state tax
30 revenues through employment and re-employment related legal
31 assistance; and



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2 WHEREAS, civil legal services provide better access to the
3 justice system for the indigent, who are immigrants, homeless,
4 at risk of homelessness, families in crisis, consumers who have
5 been taken advantage of, and those who speak English as a second
6 language; and
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8 WHEREAS, civil legal services can support efforts to ensure
9 that government is providing effective services to help those
10 without an attorney navigate the complex legal system; and
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12 WHEREAS, for thirty years, funding for civil legal services
13 was provided through the Department of Labor and Industrial
14 Relations Office of Community Services; and
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16 WHEREAS, prior to 2005, general funding for civil legal
17 services was provided by way of a purchase of service contract;
18 since 2005, general funding for civil legal services has been
19 made by a grant-in-aid; and
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21 WHEREAS, since 1995, general funding for pro bono legal
22 services has been made by grants-in-aid; and
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24 WHEREAS, in 2011, the legislature increased court fees to
25 include an amount to be paid into the indigent legal assistance
26 fund pursuant to section 607-5.7, Hawaii Revised Statutes. The
27 legislature did so upon a finding that there was a need to fund
28 legal services for low- and moderate-income individuals who
29 would not otherwise have access to legal services; and
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31 WHEREAS, despite the increase in court fees to include an
32 amount to be paid into the indigent legal assistance fund, the
33 total amount of funding for general civil legal services
34 decreased from \$2,017,093 in the 2008 fiscal year to \$1,213,135
35 in the 2015 fiscal year; and
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37 WHEREAS, grant-in-aid funding for civil legal services and
38 pro bono legal services decreased from \$1,832,496 in the 2008
39 fiscal year to \$400,000 in the 2015 fiscal year; and
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41 WHEREAS, general revenue funding is critical to meet the
42 need for legal services in Hawaii, and the funding of legal



1 services can promote the resolution of critical community
2 issues; and

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4 WHEREAS, there should be an examination of executive
5 agencies, the Judiciary, and community agencies to determine
6 which agency or organization should administer general funding
7 for civil legal services to obtain the best results; and

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9 WHEREAS, the examination should require:

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11 (1) The identification and assessment of the problems and
12 issues relating to the funding of civil legal
13 services, including the best agency or organization to
14 administer these funds; and

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16 (2) The involvement of all interested governmental and
17 community stakeholders to ensure that the
18 administration of these funds is workable and
19 acceptable to the interested stakeholders; now,
20 therefore,

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22 BE IT RESOLVED by the Senate of the Twenty-eighth
23 Legislature of the State of Hawaii, Regular Session of 2015, the
24 House of Representatives concurring, that the Hawaii Access to
25 Justice Commission is requested to assemble a working group of
26 interested government agencies and community entities to conduct
27 meetings to develop a plan for determining which agency or
28 organization should administer funding for civil legal services;
29 and

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31 BE IT FURTHER RESOLVED that the following persons or a
32 representative of the following persons, agencies, or
33 organizations be invited to participate in the working group:

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35 (1) The Governor;

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37 (2) The President of the Senate;

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39 (3) The Speaker of the House of Representatives;

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41 (4) The Judiciary;



1 (5) The Attorney General;

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3 (6) The Department of Human Services;

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5 (7) The Department of Labor and Industrial Relations
6 Office of Community Services;

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8 (8) The Department of Budget and Finance;

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10 (9) The Department of Accounting and General Services;

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12 (10) The Hawaii Justice Foundation;

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14 (11) The Hawaii Access to Justice Commission;

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16 (12) Legal Aid Society of Hawaii; and

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18 (13) Volunteer Legal Services Hawaii; and
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20 BE IT FURTHER RESOLVED that the plan include a history of
21 state funding of civil legal services and the issues
22 historically faced by civil legal service providers in providing
23 service to low- and moderate-income individuals; and
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25 BE IT FURTHER RESOLVED that the plan include an analysis of
26 the benefits and barriers to assigning the administration of
27 funding for civil legal services to the Judiciary, Department of
28 the Attorney General, Department of Human Services, Department
29 of Labor and Industrial Relations Office of Community Services,
30 Department of Budget and Finance, Department of Accounting and
31 General Services, and the Hawaii Justice Foundation; and
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33 BE IT FURTHER RESOLVED that the plan include
34 recommendations on which agency or organization should
35 administer funding for civil legal services, levels of funding
36 for civil legal services, and if enabling legislation is
37 necessary, a proposal for such enabling legislation; and
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39 BE IT FURTHER RESOLVED that the Hawaii Access to Justice
40 Commission is requested to submit the working group's plan to
41 the legislature no later than twenty days prior to the convening
42 of the Regular Session of 2016; and



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BE IT FURTHER RESOLVED that the working group be dissolved on June 30, 2016; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, President of the Senate, Speaker of the House of Representatives, Chief Justice of the Hawaii Supreme Court, Attorney General, Director of Human Services, Executive Director of the Department of Labor and Industrial Relations-Office of Community Services, Director of Finance, Comptroller, Executive Director of the Hawaii Justice Foundation, Chair of the Hawaii Access to Justice Commission, Executive Director of the Legal Aid Society of Hawaii, and Executive Director of Volunteer Legal Services of Hawaii.

OFFERED BY:

[Signature] *SC. Keith Rogers*
[Signature] *[Signature]*
Michelle Sedani
Randy H. Bab
Nike Gabbard
Will Zygo
Russell E. [Signature]
BP [Signature]

